

Introduced by Senator Benoit

February 27, 2009

An act to add Chapter 8.1 (commencing with Section 1966) to Division 2.5 of the Streets and Highways Code, and to amend Sections 21251 and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 663, as introduced, Benoit. Neighborhood electric vehicles.

Existing law defines “low-speed vehicle” for purposes of the Vehicle Code as a motor vehicle, other than a motor truck, with 4 wheels that is capable of a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour on a paved level surface and that has a gross vehicle weight rating of less than 3,000 pounds. Existing law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver’s license. A low-speed vehicle is also known as a neighborhood electric vehicle. A violation of the Vehicle Code is an infraction, unless otherwise specified.

Existing law authorizes a city or county to establish a golf cart transportation plan subject to the review of the appropriate transportation planning agency and traffic law enforcement agency. Existing law provides that operating a golf cart other than on an authorized roadway is an infraction punishable by a fine not exceeding \$100. Existing law authorizes, until January 1, 2012, the City of Lincoln and the City of Rocklin in the County of Placer to establish a neighborhood electric vehicle transportation plan and authorizes, until January 1, 2013, the County of Orange to establish a neighborhood electric vehicle transportation plan for the Ranch Plan Planned Community in that

county. A person operating a neighborhood electric vehicle in a plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100.

This bill would authorize the City of Palm Desert to establish a similar neighborhood electric vehicle plan, subject to the same penalties. The bill would require a report to the Legislature by January 1, 2013. Because the bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 8.1 (commencing with Section 1966) is
2 added to Division 2.5 of the Streets and Highways Code, to read:

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4 CHAPTER 8.1. NEIGHBORHOOD ELECTRIC VEHICLE
5 TRANSPORTATION PLAN FOR THE CITY OF PALM DESERT
6

7 1966. It is the intent of the Legislature, in enacting this chapter,
8 to authorize the City of Palm Desert to establish a neighborhood
9 electric vehicle (NEV) transportation plan. The purpose of this
10 NEV transportation plan is to further the community's vision of
11 creating a sustainable development that reduces gasoline demand
12 and vehicle emissions by offering a cleaner, more economical
13 means of local transportation within the plan area. It is the further
14 intent of the Legislature that this NEV transportation plan be
15 designed and developed to best serve the functional travel needs
16 of the plan area, to have the physical safety of the NEV driver's
17 person and property as a major planning component, and to have
18 the capacity to accommodate NEV drivers of every legal age and
19 range of skills.

20 1966.1. The following definitions apply to this chapter:

21 (a) "Plan area" means the City of Palm Desert and all streets
22 located within the city.

1 (b) “Neighborhood electric vehicle” or “NEV” means a
2 low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

3 (c) “NEV lanes” means all publicly or privately owned facilities
4 that provide for NEV travel including roadways designated by
5 signs or permanent markings which are shared with pedestrians,
6 bicyclists, and other motorists in the plan area.

7 1966.2. (a) The City of Palm Desert may, by ordinance or
8 resolution, adopt a NEV transportation plan for the plan area.

9 (b) The transportation plan shall have received a prior review
10 and the comments of the Riverside County Transportation
11 Commission and any agency having traffic law enforcement
12 responsibilities in the City of Palm Desert.

13 1966.3. The transportation plan shall include, but is not limited
14 to, all of the following elements:

15 (a) Route selection, which includes a finding that the route will
16 accommodate NEVs without an adverse impact upon traffic safety,
17 and will consider, among other things, the travel needs of
18 commuters and other users.

19 (b) Transportation interfacing, which shall include, but not be
20 limited to, coordination with other modes of transportation so that
21 a NEV driver may employ multiple modes of transportation in
22 reaching a destination in the plan area.

23 (c) Provision for NEV related facilities including, but not limited
24 to, special access points and NEV crossings.

25 (d) Provisions for parking facilities at destination locations,
26 including, but not limited to, community commercial centers, golf
27 courses, public areas, and parks.

28 (e) Provisions for special paving, road markings, signage, and
29 striping for NEV travel lanes, road crossings, parking, and
30 circulation, as appropriate.

31 (f) Provisions for NEV electrical charging stations.

32 (g) NEV lanes for the purposes of the transportation plan shall
33 be classified as follows:

34 (1) Class I NEV routes provide for a completely separate
35 right-of-way for the use of NEVs.

36 (2) Class II NEV routes provide for a separate striped lane
37 adjacent to roadways with speed limits of 55 miles per hour or
38 less.

(3) Class III NEV routes provide for shared use by NEVs with conventional vehicle traffic on streets with speed limits of 55 per hour or less.

1966.4. If the City of Palm Desert adopts a NEV transportation plan for the plan area, it shall do both of the following:

(a) Establish minimum general design criteria for the development, planning, and construction of separated NEV lanes, including, but not limited to, the design speed of the facility, the space requirements of the NEV, and roadway design criteria, if the plan envisions separated NEV lanes.

(b) In cooperation with the department, establish uniform specifications and symbols for signs, markers, and traffic control devices to control NEV traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right-of-way as between NEVs, other vehicles, and bicycles, as may be applicable; to state the nature and destination of the NEV lane; and to warn pedestrians, bicyclists, and motorists of the presence of NEV traffic.

1966.5. If the City of Palm Desert adopts a NEV transportation plan for the plan area, it shall also adopt all of the following as part of the plan:

(a) NEVs eligible to use NEV lanes shall meet the safety requirements for low-speed vehicles as set forth in Section 571.500 of Title 49 of the Code of Federal Regulations.

(b) Minimum safety criteria for NEV operators, including, but not limited to, requirements relating to NEV maintenance and NEV safety. Operators shall be required to possess a valid California driver's license and to comply with the financial responsibility requirements established pursuant to Chapter 1 (commencing with Section 16000) of Division 7 of the Vehicle Code.

(c) (1) Restrictions limiting the operation of NEVs to NEV routes identified in the transportation plan, and allowing only those NEVs and golf carts that meet the safety equipment requirements specified in the plan to be operated on those routes.

(2) Any person operating a NEV in the plan area in violation of this subdivision is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100).

1966.6. (a) If the City of Palm Desert adopts a NEV transportation plan for the plan area pursuant to this chapter, the

city shall submit a report to the Legislature on or before November 1, 2013, in consultation with the Department of the California Highway Patrol and local law enforcement agencies.

(b) The report shall include both of the following:

(1) A description of the NEV transportation plan and its elements that have been authorized up to that time.

(2) An evaluation of the effectiveness of the NEV transportation plan, including its impact on traffic flows and safety.

SEC. 2. Section 21251 of the Vehicle Code is amended to read:

21251. Except as provided in Chapter 7 (commencing with Section 1963) ~~and~~, Chapter 8 (commencing with Section 1965), ~~and Chapter 8.1 (commencing with Section 1966)~~ of Division 2.5 of the Streets and Highways Code, and Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or another code, with the exception of those provisions that, by their very nature, can have no application.

SEC. 3. Section 21260 of the Vehicle Code is amended to read:

21260. (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963) ~~or~~, Chapter 8 (commencing with Section 1965), ~~or Chapter 8.1 (commencing with Section 1966)~~ of Division 2.5 of the Streets and Highways Code, the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

(b) (1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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